

**PLANNING AND ZONING BOARD**  
**JANUARY 24, 2007**

**1. ROLL CALL**

The meeting was called to order at 7:00 p.m. Board members present were Chair Mike Bender, Philip Busey and Mimi Turin. Also present were Attorney Julie Klahr, Planning and Zoning Manager Bruce Dell, Planners David Abramson, Phil Bachers and Marjan Mazza, and Board Secretary Janet Gale recording the meeting. Vice-Chair Scott McLaughlin and John Stevens were absent.

**2. PLAT**

2.1 P 6-1-06, Yohimbee Estates, 6125 SW 59 Court (R-2)

Jay Evans, representing the petitioner, was present. Ms. Mazza summarized the planning report.

Mr. Evans concurred with the planning report.

Ms. Turin made a motion, seconded by Mr. Busey, to approve. In a roll call vote, the vote was as follows: Chair Bender – yes; Vice-Chair McLaughlin – absent; Mr. Busey – yes; Mr. Stevens – absent; Ms. Turin – yes. **(Motion carried 3-0)**

**3. PUBLIC HEARING**

*Special Permit*

3.1 SE 2-2-06, Laystrom and Voigt/Iryn Farm, LLC, 5241 SW 82 Avenue (CF)

John Voigt and Avi Ovakin, representing the petitioner, were present. Mr. Bachers read the planning report.

Mr. Voigt provided historical information to better explain the progression of the request and the source of the Code violations which had transpired. His request was for a non-conforming use of the property and for permission to temporarily place a trailer on the site for 18 months. Mr. Voigt clarified that the Code violations would be resolved by going through the special permit procedure.

Chair Bender asked if anyone wished to speak for or against this item.

Sharee Naugle, 5301 SW 82 Avenue, asked several questions concerning operations at the site which were answered by the applicant.

Mr. Ovakin, 3351 SW 57 Place, indicated that as the owner of the property, his intention was to use the horses as therapy for his son and handicapped friends who attend the same school.

As there were no other speakers, the public hearing was closed.

Mr. Busey made a motion, seconded by Ms. Turin, to approve subject to the following stipulations:

1) the temporary use permit was for 18 months; 2) no commercial use; 3) no access from SW 82nd Avenue; 4) no more than 16 horses to be stabled; 5) no audio equipment; 6) security lighting only; and 7) practice best method of horse manure disposal. In a roll call vote, the vote was as follows: Chair Bender – yes; Vice-Chair McLaughlin – absent; Mr. Busey – yes; Mr. Stevens – absent; Ms. Turin – yes. **(Motion carried 3-0)**

**4. OLD BUSINESS**

Chair Bender advised that he had a request to bring forward a plat which had been tabled to March 14th at the last Planning and Zoning Board meeting. He asked the Board attorney for an opinion on whether or not it should be addressed.

Ms. Klahr opined that if the Board so desired, the item could be removed from the March 14th tabling; however, since it had not been properly advertised for tonight's meeting, it should not be addressed tonight, only set for a new tabling at a time certain.

Mr. Busey made a motion, seconded by Ms. Turin, to table to February 14, 2007. In a voice vote, with Vice-Chair McLaughlin and Mr. Stevens being absent, all voted in favor. **(Motion carried 3-0)**

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**4. OLD BUSINESS**

There was no old business discussed.

**5. NEW BUSINESS**

There was no new business discussed.

**6. COMMENTS AND/OR SUGGESTIONS**

Chair Bender expressed that he was disappointed with the outcome of a vote which granted a car dealership a special permit even though the applicant had been a “habitual Code offender” for as long as he had known. He believed that they were “let off the hook” by not having the soil tested on their property. Chair Bender was most troubled because it appeared that the “little guy” such as the family which requested a variance for their home addition in District one, had been denied and the big corporations seemed to slide through the system. It seemed to him that the average resident had to climb hurdles to get anything done. Chair Bender recalled another instance where a corporation was more favorably considered.

Mr. Busey commiserated with Chair Bender as he was aware of the affordable housing problem in Broward County and believed that the Board should show compassion to people who needed more space, specifically when the zoning had changed after those areas had been incorporated into the Town.

Mr. Dell recalled that this specific request was for an extension that went beyond the original setbacks and that the family refused to make any architectural compromises.

Karen Stenzel-Nowicki, 5480 SW 55 Avenue, indicated agreement with Chair Bender’s comments. She stated that she had spoken with Councilmember Caletka regarding the situation and likened it to the perception of discrimination. Ms. Stenzel-Nowicki explained that Councilmember Caletka had approached the couple and indicated that he would bring the issue before the Town Council to be reconsidered if they were willing to have the addition comply with the original setbacks. However, she understood that the family was not willing to change the plans and wanted only what they had requested and nothing else.

Chair Bender clarified that the way he voted regarding the car dealership had nothing to do with competition. He explained how more dealerships located together fed business to each other and “the bigger, the better.” Chair Bender specified that he did not like Code violators and he had made sure that the dealership he worked at had complied with the Town’s regulations. Although he did not know the latest details about the family who wanted the variance for their addition, he knew that the person who designed their addition plans would most likely want to be paid to make any revisions, and that the additional cost might take them “out of the ballpark.” Chair Bender indicated that he just needed to express his opinion and get it off his chest.

**7. ADJOURNMENT**

There being no further business and no objections, the meeting was adjourned at 7:32 p.m.

Date Approved: \_\_\_\_\_

\_\_\_\_\_  
Chair/Board Member